

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ROBERT O'NEIL,

Plaintiff,

- against -

EMILY RATAJKOWSKI ET AL.,

Defendants.

Case No. 1:19-cv-9769-AT

**DECLARATION OF EMILY RATAJKOWSKI IN SUPPORT OF DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT AND ATTORNEY'S FEES**

I, EMILY RATAJKOWSKI, declare, under penalty of perjury, pursuant to 28 U.S.C.

§ 1746, that the following is true and correct:

1. This declaration is respectfully submitted in connection with Defendants' Motion for Summary Judgment.
2. I am a professional actor and model, and I also own and operate a fashion clothing company known as Inamorata.
3. I have personal knowledge of the facts stated within this declaration.
4. On September 13, 2019, I had just purchased flowers for my friend's birthday at a neighborhood flower shop in Manhattan, and was walking back to my apartment when I crossed paths with Plaintiff.
5. Plaintiff had been apparently lying in wait after seeing me walk past him. Plaintiff then followed me on foot, and took multiple photographs of me in rapid succession a few feet from the front door of my apartment building.
6. I am holding flowers over my face in the photograph, which appears as Exhibit

"A" in the Complaint, in order to protect myself and my privacy from the paparazzi, including Plaintiff.

7. The Instagram Stories Post, which appeared on my personal Instagram Stories, was automatically deleted after 24 hours, is a picture of me covering my face with flowers and the caption "mood forever."

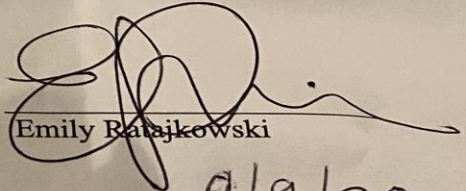
8. The objective of my Instagram Stories Post was to take Plaintiff's photograph and transform it into a criticism of my perception of the abusive, aggressive, and harassing practice of paparazzi constantly following me, even when buying flowers for a friend and walking into my personal residence.

9. The caption "mood forever" is my way of expressing that I will always *feel* that my privacy has been invaded by the paparazzi.

10. I received no compensation for the Instagram Stories Post.

I declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct.

Executed this ___ day of September, 2020, at New York, New York.


Emily Ratajowski

9/9/20